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RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY

[without reference to a Main Committee (A/46/L.32, A/46/L.41, A/46/L.42 and Add.1, A/46/L.43 and Add.1, A/46/L.31 and Add.1, A/46/L.40 and Add.1)]

46/79. Policies of apartheid of the Government of South Africa

A

International efforts towards the total eradication of apartheid and support for the establishment of a united, non-racial and democratic South Africa

The General Assembly,

Recalling the Declaration on Apartheid and its Destructive Consequences in Southern Africa, contained in the annex to its resolution S-16/1 of 14 December 1989, its resolution 45/176 A of 19 December 1990 and its decision 45/457 B of 13 September 1991,

Taking note of the report of the Special Committee against Apartheid 1/ and the second progress report of the Secretary-General on the implementation of the Declaration, 2/ as well as the reports of the Secretary-General on the coordinated approach by the United Nations system on questions relating to South Africa 3/ and on the concerted and effective measures aimed at eradicating apartheid, 4/

1/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 22 (A/46/22).

2/ A/45/1052.

3/ A/46/648.

4/ A/46/499.

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Convinced that broad-based negotiations leading to a new constitutional order providing for universal, equal suffrage under a non-racial voters' roll will lead to the total eradication of apartheid through peaceful means and the establishment of a non-racial democracy in South Africa,

Welcoming the signing on 14 September 1991 of the National Peace Accord 5/ and expressing the hope that this will finally end the tragic bloodshed in South Africa,

Welcoming the efforts of all parties, including ongoing talks among them, such as the recently held Patriotic/United Front conference, aimed at facilitating the commencement of substantive broad-based negotiations towards a new constitution and arrangements on the transition to a democratic order,

Welcoming the accession of South Africa on 10 July 1991 to the Treaty on the Non-Proliferation of Nuclear Weapons 6/ and subsequent conclusion and ratification of a related safeguards agreement,

Noting with satisfaction that fundamental principles for a new constitutional order, as set out in the Declaration, are receiving broad acceptance in South Africa,

Welcoming the convening of the preparatory meeting for the Convention for a Democratic South Africa,

Noting that while positive measures have been undertaken by the South African authorities, including the repeal and revision of the major apartheid and security laws, further efforts are needed to enhance the climate for free political activity and to address the inequities resulting from the legacy of these laws,

Gravely concerned that the persistence of violence, resulting largely from apartheid, including actions by those opposed to the democratic transformation of the country, poses a threat to the negotiating process and to the vital interests of all people of South Africa,

Concerned about any remaining obstacles to free political activity, as identified in the Declaration, including the delay in the full implementation of agreements regarding the release of any remaining political prisoners and the return of refugees and exiles, the use of repressive legislation still in place as well as other attempts aimed at undermining the democratic forces,

Noting with serious concern the remaining effects of the acts of aggression and destabilization that were committed by South Africa against neighbouring independent African States,

Convinced that international pressure, both that exerted by Governments and by individual citizens and organizations, has had and continues to have a significant impact on developments in South Africa,

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5/ See Centre against Apartheid, Notes and Documents, No. 23/91.

6/ United Nations, Treaty Series, vol. 729, No. 10485.

Recognizing the responsibility of the United Nations and the international community, as envisaged in the Declaration, to continue to take all necessary measures aimed at the eradication of apartheid through peaceful means, in particular by adhering to the programme of action contained in the Declaration, 7/

1. Reaffirms its support for the legitimate struggle of the South African people for the total eradication of apartheid through peaceful means and the establishment of a united, non-racial and democratic South Africa in which all its people, irrespective of race, colour, sex or creed, will enjoy the same fundamental freedoms and human rights;

2. Reaffirms the Declaration on Apartheid and its Destructive Consequences in Southern Africa and the need for the full and immediate implementation of the provisions not yet fulfilled;

3. Calls for an immediate end to violence and the removal of any remaining obstacles to free political activity;

4. Urges the South African authorities to take immediate further action to end the recurring violence and acts of terrorism, including actions by those opposed to the democratic transformation of the country, by ensuring that all competent authorities act effectively and impartially;

5. Calls upon all signatories of the National Peace Accord 5/ to manifest their commitment to peace by fully implementing its provisions, and calls upon all other parties to contribute to the attainment of its objectives;

6. Calls upon the South African authorities to enhance the climate conducive to negotiations by ensuring the immediate release of any remaining political prisoners, the unhindered return of refugees and exiles and the repeal of repressive and discriminatory legislation still in place, and to address the glaring inequalities created by apartheid;

7. Calls upon the representatives of the people of South Africa to commence in good faith, urgently, broad-based substantive negotiations towards an agreement on the basic principles of a new constitution, taking into account the fundamental principles in the Declaration and its suggested guidelines on the modalities for the elaboration of a new constitution, on transitional arrangements inspiring general confidence in the administration of the country until the new constitution takes effect, and on the role to be played by the international community in ensuring the successful transition to a democratic order;

8. Appeals to the international community to give its full and concerted support to the vulnerable and critical process now under way in South Africa through a phased application of appropriate pressure on the South African authorities, as warranted by developments, and to provide assistance to the opponents of apartheid and the disadvantaged sectors of society in order to ensure the rapid and peaceful attainment of the objectives of the Declaration;

9. Calls upon the international community, in view of progress made in overcoming obstacles to negotiations, to resume academic, scientific and

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7/ Resolution S-16/1, annex, sect. C.

cultural links with democratic anti-apartheid organizations and the individuals in these fields, to resume sports links with unified non-racial sporting organizations of South Africa which have received endorsement by appropriate non-racial sporting organizations within South Africa and to assist disadvantaged athletes in that country;

10. Also calls upon the international community, within the context of the need to respond appropriately to ongoing developments in South Africa, to review existing restrictive measures as warranted by positive developments, such as agreement by the parties on transitional arrangements, and agreement on a new, non-racial democratic constitution;

11. Calls upon all Governments to observe fully the mandatory arms embargo, requests the Security Council to continue to monitor effectively its strict implementation and urges States to adhere to the provisions of other Security Council resolutions on the import of arms from South Africa and the export of equipment and technology destined for military or police purposes in that country;

12. Appeals to the international community to increase humanitarian and legal assistance to the victims of apartheid, returning refugees and exiles and released political prisoners;

13. Also appeals to the international community to increase its material, financial and other contributions to the victims and opponents of apartheid to help them address the glaring socio-economic inequalities, particularly in the areas of education, health, housing and social welfare;

14. Further appeals to the international community to render all possible assistance to the front-line and neighbouring States to enable their economies to recover from the effects of years of destabilization and to support the current efforts to achieve a durable peace in Angola and Mozambique, which would contribute to the stability and prosperity of the region;

15. Welcomes the agreement 8/ reached on 4 September 1991 by the United Nations High Commissioner for Refugees with the South African authorities concerning the voluntary repatriation of South African refugees and exiles, and appeals to the international community to provide and urges the Secretary-General to facilitate, through the relevant United Nations agencies and offices in cooperation with the High Commissioner, all necessary humanitarian assistance to ensure the successful implementation of the repatriation programme;

16. Urges the Secretary-General to facilitate, through the relevant United Nations agencies and offices and in a concerted manner, humanitarian and educational assistance inside South Africa for the reintegration of political exiles and released political prisoners and to the disadvantaged sectors of South African society;

17. Also urges the Secretary-General, at the appropriate time, in the light of positive developments such as agreement on transitional arrangements, to expand, in a concerted manner, through the relevant United Nations offices and in collaboration with the specialized agencies, the scope

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8/ See A/46/507, annex, para. 5.

of assistance provided inside South Africa aimed at addressing socio-economic issues, particularly in the areas of education, health, housing and social welfare, which may entail the physical presence of the United Nations system in that country;

18. Requests the Secretary-General to continue to ensure the coordination of activities of the United Nations system in the implementation of the Declaration and of the present resolution and to report thereon to the General Assembly at its forty-seventh session, and to continue monitoring the implementation of the Declaration as well as pursuing appropriate initiatives to facilitate all efforts leading to the peaceful eradication of apartheid.

72nd plenary meeting
13 December 1991

B

Programme of work of the Special Committee against Apartheid

The General Assembly,

Having considered the report of the Special Committee against Apartheid, 1/

1. Commends the Special Committee against Apartheid for the diligent manner in which it has discharged its responsibilities in monitoring the situation in South Africa and in promoting concerted international support for the process towards the early establishment of a democratic, non-racial society;

2. Takes note of the report of the Special Committee and endorses its recommendations relating to its programme of work;

3. Authorizes the Special Committee, in accordance with its mandate as the focal point for the international campaign against apartheid and for the promotion of the implementation of the Declaration on Apartheid and its Destructive Consequences in Southern Africa 9/ and acting with the support services of the Centre against Apartheid:

(a) To continue monitoring closely developments in South Africa and the actions of the international community, particularly regarding appropriate pressure on South Africa and timely assistance to the victims and opponents of apartheid;

(b) To continue mobilizing international action in support of the early establishment of a democratic, non-racial South Africa, inter alia, through collection, analysis and dissemination of information, through liaison and consultations with Governments, intergovernmental and non-governmental organizations and relevant individuals and groups, both inside and outside South Africa, able to influence public opinion and decision-making, and through missions, hearings, conferences, publicity and other pertinent activities, and to continue undertaking activities aimed at supporting the political process towards the establishment of a non-racial, democratic South Africa;

9/ Resolution S-16/1, annex.

4. Appeals to all Governments, intergovernmental and non-governmental organizations to increase their cooperation with the Special Committee and the Centre in the discharge of their mandates;

5. Requests all components of the United Nations system to cooperate further with the Special Committee and the Centre in their activities in order to ensure consistency, improve coordination and efficient use of available resources and avoid duplication of efforts in the implementation of the relevant resolutions of the General Assembly and the Security Council;

6. Appeals to all Governments, intergovernmental and non-governmental organizations, information media and individuals to cooperate with the Centre and the Department of Public Information of the Secretariat in their activities relating to South Africa and, in particular, in disseminating information on the evolving situation in South Africa and on the considerable assistance needs of the opponents of apartheid and the disadvantaged sectors of South African society in rectifying the glaring socio-economic inequalities in their country, and further appeals to them to make generous contributions to the Trust Fund for Publicity against Apartheid;

7. Decides to continue the authorization of adequate financial provision in the regular budget of the United Nations to enable the African National Congress of South Africa and the Pan Africanist Congress of Azania to maintain offices in New York in order to participate effectively in the deliberations of the Special Committee and other appropriate bodies;

8. Also decides that the special allocation of 480,000 United States dollars to the Special Committee for 1992 from the regular budget of the United Nations should be used towards the cost of special projects aimed at promoting the process towards the elimination of apartheid and the democratization of South Africa, with particular emphasis on the issues of constitution building, human rights, domestic peace, education and training and ways to help address the serious socio-economic inequalities in the country.

72nd plenary meeting
13 December 1991

C

Military and other collaboration with South Africa

The General Assembly,

Recalling the Declaration on Apartheid and its Destructive Consequences in Southern Africa, 9/ its resolutions 45/176 B and C of 19 December 1990, as well as the resolutions of the Security Council on the arms embargo and military collaboration with South Africa,

Taking note of the report of the Special Committee against Apartheid 1/ and the report of the Security Council Committee established by Council resolution 421 (1977) of 9 December 1977 concerning the question of South Africa on its activities during the period 1980-1989, 10/

10/ S/21015.

Noting with appreciation the resolve and effectiveness of the Security Council in its handling of questions relating to the preservation of international peace and security,

Noting that the monitoring and enforcement mechanism of the mandatory sanctions imposed by the Security Council on South Africa in its resolution 418 (1977) of 4 November 1977 would benefit from further strengthening,

Reiterating that the full implementation of the mandatory arms embargo against South Africa is an essential element of international action towards the eradication of apartheid,

Convinced that sanctions and other restrictive measures have had a significant impact on recent developments in South Africa and that the phased application of appropriate pressure remains an effective and necessary instrument in the process towards the peaceful end to apartheid,

Taking note of the accession of South Africa on 10 July 1991 to the Treaty on the Non-Proliferation of Nuclear Weapons 6/ and subsequent conclusion and ratification of a related safeguards agreement,

Expressing serious concern about the continued violations of the mandatory arms embargo, particularly by those countries which surreptitiously trade in arms with South Africa,

Expressing concern that South Africa's external military relations, especially in the area of military technology and, in particular, in the production and testing of missiles, continue unabated, as mentioned in paragraphs 100 to 102 of the report of the Special Committee,

Gravely concerned about the practice carried out by certain oil-producing States whereby oil is exchanged for South African arms,

1. Deplores the actions of those States which, directly or indirectly, continue to violate the mandatory arms embargo and collaborate with South Africa in the military, nuclear, intelligence and technology fields, and calls upon those States to terminate forthwith any illegal acts and honour their obligations under Security Council resolution 418 (1977);

2. Urges all States to adopt strict legislation relating to the implementation of the arms embargo and prohibit the supply to South Africa of nuclear and military products, as well as computer and communications equipment, technological skills and services, including military intelligence, destined for use by the military, police and security agencies of that country, until free and fair elections have been held and a democratic government has been established;

3. Calls for the early and full disclosure by South Africa of its nuclear installations and materials in conformity with its treaty obligations as an essential element to the peace and security of the southern African region;

4. Urges the Security Council to consider immediate steps to ensure the full implementation and the effective monitoring of the arms embargo imposed by the Council in its resolutions 418 (1977) and 558 (1984) of 13 December 1984, to implement the recommendations of the Committee established under Council resolution 421 (1977) concerning appropriate measures in

response to violations of the mandatory arms embargo and to provide information on a regular basis to the Secretary-General for general distribution to Member States;

5. Calls upon all States to maintain existing financial measures, and, in particular, urges Governments and private financial institutions, as well as the International Monetary Fund and the World Bank, not to extend new loans and credits to South Africa, whether to the public or private sector, until agreement has been reached on a non-racial democratic constitution or until specific recommendations are made on this matter by the transitional authorities to be established by the Convention for a Democratic South Africa;

6. Requests the Special Committee against Apartheid to keep the issue of military and nuclear collaboration with South Africa under constant review and to report thereon to the General Assembly and the Security Council as appropriate.

72nd plenary meeting
13 December 1991

D

Relations between South Africa and Israel

The General Assembly,

Recalling its previous resolutions concerning the relations between South Africa and Israel and, in particular, its resolution 45/176 D of 19 December 1990,

Having considered the report of the Special Committee against Apartheid on recent developments concerning relations between South Africa and Israel, 11/ and the report of the Secretary-General on South Africa's nuclear-tipped ballistic missile capability, 12/

Noting with concern that the military relations between South Africa and Israel, especially in the area of military technology and in particular the collaboration in the production and testing of nuclear missiles, continue unabated,

1. Strongly deplores the collaboration of Israel with the South African regime in the military and nuclear fields;

2. Reiterates its demand that Israel desist from and terminate forthwith all forms of collaboration with South Africa, particularly in the military and nuclear fields;

3. Urges the Security Council to consider taking appropriate measures against Israel for its violation of the mandatory arms embargo against South Africa;

11/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 22 (A/46/22), part two.

12/ A/46/357 and Add.1.

4. Requests the Special Committee against Apartheid to continue to monitor the relations between South Africa and Israel and keep them under constant review and report to the General Assembly and the Security Council as appropriate.

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E

Oil embargo against South Africa

The General Assembly,

Having considered the report of the Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa, 13/

Recalling its resolutions on the oil embargo against South Africa, in particular resolution 45/176 F of 19 December 1990,

Recognizing the importance of the oil embargo as a major contribution to the pressure exerted on South Africa towards the eradication of apartheid through negotiations, as well as the importance of maintaining pressure until there is clear evidence of profound and irreversible changes, bearing in mind the objectives of the Declaration on Apartheid and its Destructive Consequences in Southern Africa, 9/ such as the adoption of a non-racial and democratic constitution for a free South Africa,

Noting that the most effective way to enforce the oil embargo against South Africa remains the adoption by the Security Council of a mandatory embargo under Chapter VII of the Charter of the United Nations,

Concerned that the oil embargo against South Africa is still being violated and that South Africa, because of loopholes in the embargo, such as lack of effective legislation, has been able to acquire oil and petroleum products,

Convinced that an effective oil embargo against South Africa would contribute to the efforts of the international community to bring about a negotiated settlement and the establishment of a united, non-racial and democratic South Africa,

1. Takes note of the report of the Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa 13/ and endorses its recommendations;

2. Requests all States to adopt, if they have not already done so, and otherwise to maintain and enforce effective measures prohibiting the supply and shipping of oil and petroleum products to South Africa, whether directly or indirectly, and in particular:

13/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 44 (A/46/44).

(a) To apply strictly the "end users" clause and other conditions concerning restriction on destination to ensure compliance with the embargo;

(b) To compel the companies originally selling or purchasing oil or petroleum products, as appropriate to each nation, to desist from selling, reselling or otherwise transferring oil and petroleum products to South Africa, whether directly or indirectly;

(c) To establish strict control over the supply of oil and petroleum products to South Africa by intermediaries, oil companies and traders by placing responsibilities for the fulfilment of the contract on the first buyer or seller of oil and petroleum products who would, therefore, be liable for the actions of these parties;

(d) To prevent South African companies from acquiring holdings in oil companies outside South Africa;

(e) To prohibit all assistance to South Africa in the oil sector, including finance, technology, equipment or personnel;

(f) To prohibit the transport of oil and petroleum products to South Africa by ships flying their flags, or by ships that are ultimately owned, managed or chartered by their nationals or by companies within their jurisdiction;

(g) To develop a system for registration of ships, registered in their territory or owned by their nationals, that have violated the oil embargo, and to discourage such ships from calling at South African ports;

(h) To impose penal action against companies and individuals that have been involved in violating the oil embargo, and to publicize cases of successful prosecutions in conformity with their national laws;

(i) To gather, exchange and disseminate information regarding violations of the oil embargo, including ways and means to prevent such violations, and to take concerted measures against violators;

(j) To discourage ships within their jurisdiction from engaging in activities that give rise to violation of the oil embargo against South Africa, taking into account legislative and other measures already adopted;

3. Commends to Member States for their consideration the draft model law annexed to the report of the Intergovernmental Group 14/ and recommends that they strive for an effective oil embargo by adopting the general principles of the model law within the framework of their own legal practices;

4. Authorizes the Intergovernmental Group to take action to promote public awareness of the oil embargo against South Africa, including, when necessary, sending missions and participating in relevant conferences and meetings;

5. Requests the Intergovernmental Group to submit to the General Assembly at its forty-seventh session a report on the implementation of the present resolution;

14/ Ibid., Forty-fifth Session, Supplement No. 43 (A/45/43).

6. Requests all States to extend their cooperation to the Intergovernmental Group with all necessary assistance for the implementation of the present resolution.

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F

United Nations Trust Fund for South Africa

The General Assembly,

Recalling its resolutions on the United Nations Trust Fund for South Africa, in particular resolution 45/176 H of 19 December 1990,

Having considered the report of the Secretary-General on the United Nations Trust Fund for South Africa, 15/ to which is annexed the report of the Committee of Trustees of the Trust Fund,

Taking note of its resolution 45/176 A adopted without a vote on 19 December 1990, and in particular of paragraph 16, relating to the reintegration of released political prisoners into South African society,

Welcoming the repeal and revision of the major apartheid and security laws and a number of discriminatory and repressive laws, rules and regulations,

Welcoming also the release of a large number of political prisoners and the agreement 8/ reached between the South African authorities and the United Nations High Commissioner for Refugees allowing for the voluntary repatriation of political exiles and refugees,

Further welcoming the National Peace Accord 5/ signed on 14 September 1991 as a significant initiative towards addressing the critical issue of violence in the country and providing a framework within which substantive and broad-based discussions can take place,

Remaining concerned about the continued existence of a number of discriminatory and repressive laws, rules and regulations in South Africa,

Concerned about the delay in the full implementation of agreements regarding the release of any remaining political prisoners and the return of refugees and exiles and about reports that trials of politically motivated cases were carried out in 1991,

Recognizing the work carried out by the International Defence and Aid Fund for Southern Africa over the years in providing legal and humanitarian assistance to the victims of apartheid and their families and noting with satisfaction the transfer of programmes of the Fund to broad-based, impartial organizations inside South Africa,

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15/ A/46/507.

Strongly convinced that continued, direct and substantial contributions to the Trust Fund and to the voluntary agencies concerned are necessary to enable them to meet the extensive needs for humanitarian, legal and relief assistance during the critical transition to a non-racial and democratic South Africa,

1. Endorses the report of the Secretary-General on the United Nations Trust Fund for South Africa;

2. Supports continued and substantial humanitarian, legal and educational assistance by the international community in order to alleviate the plight of those persecuted under discriminatory legislation in South Africa and their families, and to facilitate the reintegration of released political prisoners and returning exiles into South African society;

3. Supports assistance by the Trust Fund for work in the legal field aimed at ensuring effective implementation of legislation repealing major apartheid laws, redressing continuing adverse effects of these laws and encouraging increased confidence in the rule of law;

4. Expresses its appreciation to the Governments, organizations and individuals that have contributed to the Trust Fund and to the voluntary agencies engaged in rendering humanitarian and legal assistance to the victims of apartheid in South Africa;

5. Appeals for generous contributions to the Trust Fund;

6. Also appeals for direct contributions to the voluntary agencies engaged in rendering assistance to the victims of apartheid and racial discrimination in South Africa;

7. Commends the Secretary-General and the Committee of Trustees of the Trust Fund for their persistent efforts to promote humanitarian and legal assistance to persons persecuted under repressive and discriminatory legislation in South Africa, as well as assistance to their families and to refugees from South Africa.

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